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First name: Anthony

Last name: Mallott

Organization: Sealaska Corporation

Title: President & CEO

Official Representative/Member Indicator:

Address1: 1 Sealaska Plaza Suite 400

Address2:

City: Juneau

State: AK

Province/Region:

Zip/Postal Code: 99801

Country: United States

Email: anthony.mallott@sealaska.com

Phone: 907-586-9208

Comments:

Submitted Via Public Participation Portal:<https://cara.ecosystem-management.org/Public/CommentInput?Project=54511>

RE: Comments on Alaska Roadless Area Rulemaking #54511

Dear Forest Service Rulemaking Team:

This letter is in response to the August 30, 2018 Federal Register Notice of Intent to Prepare an Environmental Impact Statement ("EIS") and engage in a rulemaking process to address the management of inventoried roadless areas on the Tongass

National Forest within the State of Alaska (the "NOI"). Thank you for the opportunity to submit comments regarding this proposed rulemaking.

A. Sealaska Corporation's Interest in Tongass National Forest Roadless Area Management

Sealaska Corporation ("Sealaska") is the Alaska Native Regional Corporation for Southeast Alaska, representing more than 22,000 shareholders, predominantly of Tlingit, Haida and Tsimshian descent. The traditional homeland of the Tlingit, Haida and Tsimshian includes what is now the Tongass National Forest. Our people have been stewards of the lands and waters of Southeast Alaska for more than 10,000 years. Through the Alaska Native Claims Settlement Act ("ANCSA"), including the most recent amendments in Public Law 113-291 enacted in December 2014, we are completing the process of selecting and receiving title to roughly 365,000 acres of lands within the region. Thus, we are, at this point, the largest non-federal owner of forest lands in Southeast Alaska. Nearly all of our lands are adjacent to or near Tongass National Forest lands, and we share reciprocal access and management needs and interests with the National Forest throughout the region.

Sealaska is a leader in forest products and forest land management as a result of development that we have pursued on our own lands, including young-growth/second growth management and marketing. We have been engaged in scientific studies on our lands to determine the best practices for young-growth management, habitat restoration, and healthy fish and wildlife populations. Sealaska is also a leader in development of biomass energy use. Together with the Sealaska Heritage Institute, we promote Alaska Native arts and ensure the protection of cultural and historical resources, including sacred sites. Sealaska has been an active participant in Tongass National Forest planning processes since the original Tongass Land and Resource Management Plan ("Tongass Plan") was issued in 1979, as well as additional consensus-based efforts to address multiple uses in the Tongass such as the Tongass Futures Roundtable. Sealaska submitted comments and actively participated in the process for revising Forest Service land and resource management planning regulations associated with publication of final revised regulations that took effect in May 2012, and in the process leading to the Tongass Plan Amendment finalized in December 2016 ("2016 Amendment").

Management of Tongass roadless areas has been a predominant and recurring issue in these and other Tongass planning and management exercises in which Sealaska has participated as a stakeholder over many years. Sealaska also has participated individually or as a member of the Alaska Forest Association and Alaska Resource Development Council in the rulemaking and other process resulting in the 2001 Roadless Rule and

the subsequent issuance of a rule exempting the Tongass from its restrictions, which have been the subject of the ongoing litigation and the State of Alaska petition that are referenced in the NOI.

In this context Sealaska, on behalf of its shareholders, has important interests and concerns regarding roadless area policies and other federal actions that can affect planning and management of the Tongass National Forest, Sealaska property, and other lands and waters in Southeast Alaska. Sealaska represents the unique and special relationship that the original human occupants and stewards of Southeast Alaska lands and waters have to these natural resources. We want to ensure that the Forest Service considers Sealaska's unique perspective based on our cultural, social, environmental and economic experience in the region, and our desire to provide due consideration to the needs of future generations in accordance with our core cultural value of Haa Shuka.

At this initial stage in the rulemaking process, Sealaska's comments reflect our review of the available documents and our long-standing, broad participation and interest in Tongass National Forest management, but are by no means exhaustive. At this stage, Sealaska would like to highlight some important points, but we look forward to participating further during the EIS and rulemaking process, including consultation with the Forest Service and the Department of Agriculture, which is required with Alaska Native Corporations as well as tribal entities under Executive Order No. 13175 as amended and other applicable law. Sealaska also requests Alaska Native Corporation consultation with Secretary Perdue and the Forest Service on this matter.

B. General Comments

Sealaska supports the issuance of an Alaska-specific roadless rule that includes appropriate allowances for roads and related development to address infrastructure, timber, energy, mining, access, and transportation system needs for the future of Southeast Alaska communities and the region. Accordingly, Sealaska supports the State of Alaska's petition for a full exemption of the Tongass National Forest from the 2001 Roadless Rule, which is fully supported by the law and authority referenced in the petition. The proposed exemption is wholly warranted by the uniquely undeveloped character of the Tongass, the isolation of the Southeast Alaska communities dependent upon its resources for sustenance, and the many federal actions (legislative and administrative) that already provide significant restrictions within Alaska and the Tongass. This exemption will allow environmentally sound and balanced management of existing roadless areas on the Tongass to be determined through the established Tongass Plan provisions and future Plan amendments and revisions, along with project specific environmental reviews, without the severe "one size fits all" restrictions and inflexibility of a nationwide roadless rule. Sealaska is willing to consider the Proposed Action described in the NOI as an alternative to the State Petition. However, such an alternative needs to incorporate adequate flexibility within the Tongass roadless areas that are not already congressionally designated as off-limits to road construction to accommodate activities for timber harvest, energy development, and other access, economic, and cultural needs and initiatives of adjoining landowners such as Sealaska and the Southeast Alaska communities where many of our shareholders reside.

Sealaska also supports the request in the State's Petition that the Forest Service remove the provisions of the Roadless Rule that were incorporated into the Tongass Plan by the 2016 Amendment. As the Petition points out, even if the Tongass is again exempted from the Roadless Rule, the most restrictive provisions of the Rule could remain in the Tongass Plan and be independently applicable unless affirmatively removed. We believe that this removal can be completed as part of this present rulemaking process and does not require further revision or amendment procedures under the 2012 Forest Service planning rules; the final regulation can supersede any existing Plan provisions.

The Roadless Rule currently applies to 9.2 million acres (55 percent) of the Tongass. A number of laws and regulations have reduced the number of acres where timber harvest is allowed on national forests, both nationwide and on the Tongass. For example, congressionally designated Wilderness makes up another 5.8 million acres (34 percent) of the Tongass.¹ Indeed, the majority of the Tongass inventoried roadless areas are allocated to non-development land use designations under which road construction and timber harvest activities are off limits.² Thus, even without the Roadless Rule, only four percent of the Tongass is designated as suitable for timber harvest.³ Therefore, even without the Roadless Rule, the land and resource use restrictions on the Tongass are already quite significant and burdensome for a multiple use forest and for the people who work to live and thrive in Southeast Alaska. The application of the Roadless Rule in addition to these other restrictions has resulted in unwarranted, inflexible barriers to development and injured local

communities. See the chart attached to this letter for a depiction of the existing restrictions on Tongass National Forest multiple use management.

The Roadless Rule and accompanying amendments to the Tongass Plan have essentially treated all current inventoried roadless areas as generally unavailable for further road access or development. Treating all inventoried roadless areas as off-limits to new roads other than the limited exceptions provided in the 2001 Roadless Rule is particularly and unnecessarily restrictive on the uniquely large and undeveloped Tongass. Any rulemaking for the currently designated roadless area within the Tongass should allow for further road access for not only timber, mineral and energy uses, but also access to resources important to the residents of the region for subsistence, recreation and other community economic, cultural, and social activities.

The state-specific rules that have been issued for management of national forest inventoried roadless areas in Colorado and Idaho are examples of successful state-initiated efforts to establish more flexible frameworks adapted to conditions and needs in those states than the nationwide 2001 Roadless Rule. However, the unique conditions and needs in Southeast Alaska require more flexibility than the rules established for Idaho or Colorado.

Below, Sealaska highlights several of the areas that should receive meaningful analysis in the Alaska Roadless rulemaking process.

1.
Alaska Native Access to and Use of Forest Resources.

Our people have lived and thrived here in this region for more than 10,000 years. Our cultural and social survival is dependent upon continued access to and use of the resources within the Tongass National Forest and throughout the region. Continued sustainable subsistence and commercial harvest of resources such as fish, game, berries, bark, monumental art and totem logs and other resources from Tongass lands and waters by Sealaska's Alaska Native shareholders and other rural residents is important for individual health and community cultural and economic vitality. Water-based and other access not requiring roads will remain important for traditional uses. However, roads are and will be a growing component of needed access for these as well as other commercial uses important to the future of Southeast Alaska communities and residents.

There must be a balance between protecting the Tongass's many resources and allowing Alaska Natives continued subsistence and other sustainable harvest of national forest resources to meet Alaska Native and rural community needs and purposes, as recognized under the Alaska National Interest Lands Conservation Act ("ANILCA") and other laws. These uses must not be secondary or slighted in favor of "ecosystem diversity," "sustainable recreation," or other non-consumptive use or preservation management concepts. Unlike most, if not all, national forests in the lower 48 states, communities throughout Southeast Alaska are largely surrounded by national forest lands and depend predominantly on resources from the Tongass for actual survival, not to mention cultural, social and economic vitality.

2.
Greater Flexibility in Land Use within the Tongass Area Currently Designated as Roadless Is Needed for Lands Adjacent to Sealaska Lands and Southeast Alaska Communities.

There are 32 communities within the boundary of the Tongass, many of them Alaska Native villages. Most Southeast Alaska communities lack road and utility connections to other communities and to the mainland systems. Allowance for environmentally sound road and other infrastructure construction for timber harvest and other economic and community uses are particularly needed for cost-effective and productive transportation systems where Sealaska and other non-federal lands adjoin National Forest lands that are not yet roaded. The same is true for roadless areas in proximity to rural communities, where such access for commercial, subsistence and other sustainable activities is important. This also helps the Forest Service to achieve its directive to provide for a "multiple use" forest.

1.
Greater Flexibility in Land-Use within the Tongass Area Currently Designated as Roadless Is Necessary to Sustain the Local Forest Products Industry.

The Rulemaking should address sustaining a viable, resilient forest products industry. An infrastructure of harvest, processing, transport and export facilities and businesses at a scale that provides a meaningful level of sustainable year-round family supporting employment is needed. Sealaska and other Native Corporations require such infrastructure in Southeast Alaska to support operations on their own lands. The timber supply from non-federal lands and the current roaded portion of the Tongass National Forest that is available for harvest operations has not been and does not promise to be adequate. The survival of even the current facility and business infrastructure, which is a small remnant of its former self, is in doubt.

Application of the Roadless Rule has served to further cripple the once thriving local forest industry and the job opportunities it provides in the region. We believe that further access for sustainable timber harvests can be achieved without compromising roadless area characteristics over the majority of the Tongass. We believe substantially more old growth harvest can and should be accommodated while maintaining this balance. Again, this also achieves the Forest Service directive to provide for "multiple uses" within the forest.

2.

Greater Flexibility in Land Use within the Tongass Area Currently Designated as Roadless Is Needed to Support Renewable Energy and Other Development.

Developing and implementing alternatives to diesel generation and other measures to reduce the high costs of power in rural Southeast Alaska communities is imperative. Some of our rural communities pay as much as 67 cents per kilowatt hour. Road access for hydroelectric and other renewable energy development sites and transmission routes, as addressed above, is an important aspect of realizing further cost-effective energy gains. So is further access for wood biomass harvest and use in community and other local power generation facilities. Requiring helicopter or other unroaded access rather than less costly and more reliable roads needs to be limited to where it is legally mandated or otherwise the only practicable means. The Rulemaking should consider the employment and other economic opportunities related to the development of renewable energy resources in rural Southeast Alaska communities.

Road access will also remain important for further development and use of Southeast Alaska's rich mineral resources. Not all such resources currently have the status of valid existing rights or will otherwise fit within the limited exceptions for roads contained in the 2001 Roadless Rule. Similarly, there needs to be allowance for road routes to connect communities and for other economic development, public health and safety purposes. The merits of such projects and their environmental effects can be more than adequately evaluated within the Forest Plan and project-level regulatory and management process that exists and applies in the absence of the 2001 Roadless Rule.

The rigidity and limited exceptions in the Roadless Rule do not provide the flexibility needed for achieving sustainable environmental, economic, and social balance in Southeast Alaska.

C. Closing Remarks

On behalf of our 22,000 shareholders and our impacted Southeast Alaska communities that are home to our shareholder base, thank you for the opportunity to further participate in the Tongass planning and management process. We trust that you will consider and be responsive to the comments described in this letter, and we look forward to continued dialogue and collaboration as the Forest Service continues the EIS and rulemaking process.

Sincerely,

SEALASKA CORPORATION

Anthony Mallott

President & Chief Executive Officer

[Attachment: Flowchart depicting Southeast Alaska Lands & Preservation Status]